

1  
2  
3  
4  
5  
6  
7  
8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
10

11 CHANDRA KISHOR,

No. CIV S-03-1219-LKK-CMK-P

12 Petitioner,

13 vs.

ORDER

14 ATTORNEY GENERAL OF THE  
15 STATE OF CALIFORNIA, et al.,

16 Respondents.  
17 \_\_\_\_\_/


18 Petitioner, a state prisoner proceeding pro se, brings a petition for a writ of habeas  
19 corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner's request for a  
20 certificate of appealability (Doc. 52), filed on December 5, 2007.

21 Petitioner, a state prisoner proceeding pro se, has timely filed a notice of appeal of  
22 this court's denial of his application for a writ of habeas corpus. Before petitioner can appeal this  
23 decision, a certificate of appealability must issue. See 28 U.S.C. § 2253(c); Fed. R. App. P.  
24 22(b). A certificate of appealability may issue under 28 U.S.C. § 2253 "only if the applicant has  
25 made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). The  
26 court must either issue a certificate of appealability indicating which issues satisfy the required

1 showing or must state the reasons why such a certificate should not issue. See Fed. R. App. P.  
2 22(b). For the reasons set forth in the magistrate judge's October 3, 2007, findings and  
3 recommendations, petitioner has not made a substantial showing of the denial of a constitutional  
4 right.

5 Accordingly, IT IS HEREBY ORDERED that petitioner's request for a certificate  
6 of appealability is denied.

7 DATED: April 15, 2008

8   
9 LAWRENCE K. KARLTON  
10 SENIOR JUDGE  
11 UNITED STATES DISTRICT COURT  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26